



# California Regional Water Quality Control Board

## San Diego Region



Linda Adams  
Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
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May 16, 2008

CERTIFIED RETURN RECEIPT REQUESTED  
7007 3020 0001 0040 7195

Mr. Michael T. Thornton, P.E., General Manager  
San Elijo Joint Powers Authority  
2695 Manchester Avenue,  
P.O. Box 1077,  
Cardiff by the Sea, CA 92007-7077

In reply refer to:  
CAU:01-0125:jhaas  
Place ID: 255265

Dear Mr. Thornton:

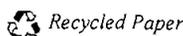
**Complaint No. R9-2008-0006 for Administrative Civil Liability for Mandatory Minimum Penalties under California Water Code Section 13385; Violation of Order No. R9-2005-0100, NPDES No. CA0107999 San Elijo Ocean Outfall, San Diego County, California**

Enclosed is Complaint No. R9-2008-0006, Administrative Civil Liability with Mandatory Minimum Penalties (MMPs) to San Elijo Joint Powers Authority for discharges of treated wastewater from the San Elijo Ocean Outfall, San Diego County, California.

The Complaint recommends that the California Regional Water Quality Control Board, San Diego Region (Regional Board), impose a civil liability of \$9,000 for violations between September 1, 2006 and August 30, 2007 of effluent limitations established by Order No. R9-2005-0100, NPDES No. CA0107999, *Waste Discharge Requirements And NPDES Permit for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via San Elijo Ocean Outfall San Diego County, California.*

If you intend to waive your right to a hearing before the Regional Board, you must sign and return the enclosed waiver form with a \$9,000 cashier's check made out to the "State Water Resources Control Board," by 5:00 p.m. **Monday June 23, 2008.** Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$9,000. In addition, you must publish the enclosed public notice in the San Diego Union-Tribune newspaper no later than **June 30, 2008.** Verification that the notice has been published must be submitted to the Regional Board no later than **July 7, 2008.**

*California Environmental Protection Agency*



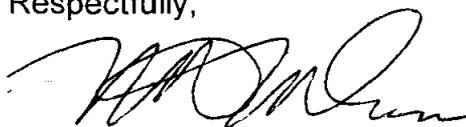
Public Hearing

If you do not elect to waive your right to a public hearing, or verification that the newspaper notification has not been received by **July 7, 2008**, a hearing is tentatively scheduled to be held at the Regional Board meeting on **August 13, 2008**. In order for the Regional Board to fully consider any argument on your behalf, you should submit 20 copies of all documents, including exhibits, you intend to provide the Regional Board by 5:00 p.m. **Friday July 25, 2008**. Copies of materials submitted will be forwarded to the Regional Board members. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions or need further clarification, please contact Jeremy Haas directly at 858-467-2735 or [jhaas@waterboards.ca.gov](mailto:jhaas@waterboards.ca.gov).

Respectfully,



MICHAEL P. McCANN  
Assistant Executive Officer

MPM:ma:jh

- Enclosures
1. MMP Complaint No. R9-2008-0046
  2. Waiver of Public Hearing Form
  3. Public Hearing Notice

cc w/ enclosures [via email only]:

Ken Greenberg, USEPA, Region 9, [greenberg.ken@epa.gov](mailto:greenberg.ken@epa.gov)  
Mary Ann Mann, City of Escondido, [mmann@ci.escondido.ca.us](mailto:mmann@ci.escondido.ca.us)

RF

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

IN THE MATTER OF:

SAN ELIJO JOINT POWERS )  
AUTHORITY )  
SAN ELIJO OCEAN OUTFALL )  
  
VIOLATIONS OF EFFLUENT LIMITATIONS )  
IN ORDER NO. R9-2005-0100, NPDES NO. )  
CA0107999, WASTE DISCHARGE )  
REQUIREMENTS AND NPDES PERMIT )  
FOR THE SAN ELIJO JOINT POWERS )  
AUTHORITY , SAN ELIJO WATER )  
RECLAMATION FACILITY, DISCHARGE )  
TO THE PACIFIC OCEAN VIA )  
SAN ELIJO OCEAN OUTFALL )  
SAN DIEGO COUNTY, CALIFORNIA )  
  
Place Id: 255265 )  
WDID No. 9 000000125 )

COMPLAINT NO. R9-2008-0006  
FOR  
ADMINISTRATIVE CIVIL LIABILITY  
WITH  
MANDATORY MINIMUM PENALTIES

May 16, 2008

SAN ELIJO JOINT POWERS AUTHORITY, SAN ELIJO OCEAN OUTFALL IS  
HEREBY GIVEN NOTICE THAT:

1. San Elijo Joint Powers Authority (San Elijo) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to Section 13385 of the California Water Code (CWC). The violations alleged herein include violations of effluent limitations in waste discharge requirements for discharges of pollutants from point sources to navigable waters for which the Regional Board must imposed mandatory minimum penalties (MMP).
2. San Elijo discharged, into the Pacific Ocean, treated wastewater that is subject to numeric effluent limitations, contained in Order No. R9-2005-0100, NPDES Permit No. CA0107999 *Waste Discharge Requirement for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility Discharge to the Pacific Ocean Via the San Elijo Ocean Outfall, San Diego County.*

3. CWC Section 13385 requires that a MMP of \$3,000 be imposed for each serious violation. CWC Section 13385 subdivision (h)(2) defines a 'serious' violation, as any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) for a Group I pollutant by 40 percent or more or for a Group II pollutant by 20 percent or more.
4. CWC Section 13385 also requires that an MMP of \$3,000 be imposed for each violation (i.e. any waste discharge that violates an effluent limitation contained in waste discharge requirements (applying to surface water discharges) beginning with the fourth violations in any six-month period.

### ALLEGATIONS

5. Between September 1, 2006 and September 1, 2007, the Dischargers reported effluent sampling results to the Regional Board, pursuant to the Monitoring and Reporting schedule for Order No. R9-2005-0100, documenting violations of effluent limitations prescribed by Order No. R9-2005-0100. See Attachment 1, *Summary of Reported Effluent Violations* and Attachment 2, *Copies of Laboratory Reports*.
6. Under CWC Section 13385 subdivisions (h) and (i), certain reported effluent violations are subject to mandatory penalties as determined by the following:
  - a. On September 7, 2006 San Elijo discharged effluent with a concentration of settleable solids at 6.0 ml/l, in violation of the instantaneous maximum effluent limitation of 3.0 ml/l as specified in Discharge Specifications B1 of Order No. R9-2005-0100. This violation exceeds the effluent limitation for a Group I pollutant by greater than 40%, and therefore is a serious violation and satisfies the requirements of a mandatory minimum penalty of \$3,000.
  - b. As a result of the high concentration of settleable solids discharged on September 7, 2006, the average settleable solids for the week of September 4 through 10, 2006 was calculated to be 2.2 ml/l, which violated the average weekly effluent limitation of 1.5 ml/l as specified in Discharge Specifications B1 of Order No. R9-2005-0100. This violation exceeds the limitation by greater than 40%, and therefore is a serious violation and satisfies the requirements of a mandatory minimum penalty of \$3,000.
  - c. On August 1, 2007 San Elijo discharged effluent with a concentration of settleable solids at 5.0 ml/l, which exceeded the instantaneous maximum effluent limitation of 3.0 ml/l as specified in Discharge Specifications B1 of Order No. R9-2005-0100. This violation exceeds the limitation by greater than 40%, and therefore is a serious violation and satisfies the requirements of a mandatory minimum penalty of \$3,000.

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**PROPOSED CIVIL LIABILITY**

7. Pursuant to CWC Sections 13385 (h) and (i), the Regional Board must impose mandatory minimum penalties in the amount of nine thousand dollars (\$9,000) on San Elijo Joint Powers Authority. Discretionary civil liability above the mandatory minimum for the violations alleged in this Complaint is not recommended.

Dated this 16<sup>th</sup> day May 2008  
BY THE EXECUTIVE OFFICER



MICHAEL McCANN  
Assistant Executive Officer

Signed pursuant to the authority  
delegated by the Executive Officer to  
the Assistant Executive Officer

- Attachments:           1. Summary of Effluent Violations  
                              2. Copies of Laboratory Reports

CIWQS Entries

Regulatory Measure 344319

Place ID 255265

Party ID 39664

Violation IDs: 711583, 711575, 711570, 449366, 449373

Attachment 1. Summary of Reported Effluent Violations

Complaint No. R9-2008-0006

**SAN ELIJO JOINT POWERS AUTHORITY  
SAN ELIJO OCEAN OUTFALL**

Violation Date	Violation ID	Constituent	Effluent Violation	Unit	Permitted Limit	Reported Value	Serious Violation <sup>a</sup>	Mandatory Minimum Penalty
09/07/2006	449366	settleable solids	instantaneous maximum	m/l	3.0	6.0	Yes	\$3,000
09/04/2006 through 09/10/2006	449373	settleable solids	weekly average	m/l	1.5	2.2	Yes	\$3,000
07/26/2007	711575	pH	instantaneous maximum	s.u.	9.0	10.4	No	\$0
07/26/2007	711570	settleable solids	instantaneous maximum	m/l	3.0	3.4	No	\$0
08/01/2007	711583	settleable solids	instantaneous maximum	m/l	3.0	5.0	Yes	\$3,000
<b>TOTAL PENALTY</b>								<b>\$9,000</b>

<sup>a</sup> CWC Section 13385(h)(1) requires that an MMP of \$3,000 be imposed for each serious violation. Serious violations are based on:

1. Settleable solids is a Group I pollutant. A serious violation occurs when the discharge exceeds Group I effluent limitations by 40 percent or more.

### SAN ELIJO JOINT POWERS AUTHORITY

**DISCHARGER: SAN ELIJO WATER RECLAMATION FACILITY**

REPORT FREQUENCY: Monthly

NPDES NO: CA0107999

REPORT FOR: September 2006

ORDER NO: R9-2005-0100

REPORT DUE: November 1, 2006

COLLECTED BY: Chea

EXACT SAMPLE POINT: Effluent Station

ANALYZED BY: Chea

DATE	SETTLEABLE SOLIDS (Daily Grab)		TURBIDITY (Weekly Composite)	
	WEEKLY AVERAGE	DAILY VALUE	WEEKLY AVERAGE	DAILY VALUE
UNITS	ml/L	ml/L	NTU	NTU
REQD.	1.5	3.0	100	225
1		0.1		
2	0.1			
3				
4		0.1		
5		0.5		
6		2.5		2.6
7		6.0		
7		4.0		
8		0.1		
9	2.2		2.5	
10				
11		0.1		
12		0.1		
13		0.1		2.2
14		0.1		
15		0.1		
16	0.1		2.2	
17				
18		0.2		
19		0.1		
20		0.1		2.3
21		0.1		
22		0.1		
23	0.1		2.3	
24				
25		0.1		
26		0.2		
27		0.2		7.2
28		0.1		
29		0.2		
30	0.2		7.2	
31				
AVG		0.7		3.6
LIMIT		1.0		75
MAX	2.2	6.0	7.2	7.2

**SAN ELIJO JOINT POWERS AUTHORITY**

DISCHARGER: SAN ELIJO WATER RECLAMATION FACILITY

REPORT FREQUENCY: Monthly

NPDES NO: CA0107999

REPORT FOR: July 2007

ORDER NO: R9-2005-0100

REPORT DUE: September 1, 2007

COLLECTED BY: RHC

EXACT SAMPLE POINT: Effluent Station

ANALYZED BY: RHC

DATE	INFLUENT FLOW <sup>1</sup>	EFFLUENT FLOW <sup>2</sup>	EFFLUENT pH
TYPE	Continuous	Continuous	Daily Grab
UNITS	MGD	MGD	pH Units
1	3.199	1.789	
2	3.122	1.155	7.6
3	2.948	0.869	7.5
4	3.148	1.228	7.4
5	3.222	1.382	7.7
6	3.155	1.746	7.6
7	3.087	1.394	
8	3.241	1.905	
9	3.062	1.391	7.5
10	3.064	1.274	7.6
11	3.038	1.445	7.5
12	3.108	0.945	7.5
13	3.039	0.917	7.6
14	3.158	1.397	
15	3.197	1.936	
16	3.022	1.002	7.5
17	3.103	1.376	7.5
18	3.164	1.413	7.5
19	3.114	1.736	7.6
20	3.050	1.346	7.5
21	3.085	1.697	7.5
22	3.185	1.823	7.4
23	3.141	1.187	7.4
24	3.159	0.807	7.6
25	3.171	0.981	7.8
26	3.138	0.981	9.3
			10.4
			7.4
27	3.143	1.363	7.4
28	2.922	0.962	
29	3.046	1.491	
30	2.902	0.808	7.5
31	2.903	1.149	7.6
AVERAGE	3.096	1.319	7.7
MAXIMUM	3.241	1.936	10.4
MINIMUM			7.4

1 Influent Flow Meter

2 The effluent flow is calculated by deducting the reclaimed water flow from the influent flow meter.

## SAN ELIJO JOINT POWERS AUTHORITY

DISCHARGER: SAN ELIJO WATER RECLAMATION FACILITY

REPORT FREQUENCY: Monthly

NPDES NO: CA0107999

REPORT FOR: July 2007

ORDER NO: R9-2005-0100

REPORT DUE: September 1, 2007

COLLECTED BY: RHC

EXACT SAMPLE POINT: Effluent Station

ANALYZED BY: RHC

DATE	SETTLEABLE SOLIDS (Daily Grab)		TURBIDITY (Weekly Composite)	
	WEEKLY AVERAGE	DAILY VALUE	WEEKLY AVERAGE	DAILY VALUE
UNITS	m/L	m/L	NTU	NTU
REQT	1.5	3.0	100	225
1				
2		0.2		
3		1.5		
4		0.3		6.8
5		0.2		
6		2.0		
7	0.8		6.8	
8				
9		0.2		
10		0.5		
11		0.1		3.7
12		0.1		
13		0.1		
14	0.2		3.7	
15				
16		0.2		
17		0.1		
18		0.1		
19		0.2		8.0
20		0.2		
21	0.2	0.1	8.0	
22		0.1		
23		0.1		
24		0.1		
25		0.5		8.5
26		3.4		
		0.1		
27		0.1		
28	0.6		8.5	
29				
30		0.1		
31				
AVG		0.4		8.7
LIMIT		1.0		75
MAX	0.8	3.4	8.5	8.5

RF

**SAN ELIJO JOINT POWERS AUTHORITY**

To: CALIFORNIA WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION  
9174 Sky Park Court  
San Diego, CA 92123-4340

DISCHARGER: San Elijo WRF

ORDER NO: R9-2005-0100

REPORT FOR: August 2007

REPORT DUE: October 1, 2007

REPORT FREQUENCY: Monthly

**OUR REVIEW OF THE ATTACHED SELF MONITORING REPORT REVEALS THE FOLLOWING MONITORING VIOLATION(S):**

On Wednesday, August 1, the settleable solids value for the grab sample was 5.0 ml/L, which exceeded the daily limit of 3.0 ml/L.

**THE FOLLOWING REMEDIAL ACTION WILL BE (HAS BEEN) TAKEN TO CORRECT THE MONITORING VIOLATIONS LISTED ABOVE:**

The high settleables value was caused by an overabundance of filamentous organisms due to overaeration. Operators added chlorine and polymer to the process to control the filaments, and the plant returned to compliance within one day.

Additionally, the SEJPA has completed design of the Performance Optimization of the Activated Sludge System and anticipates completion of construction in 2008.



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger  
Governor

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[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

**WAIVER  
OF RIGHT TO A  
PUBLIC HEARING**

Mr. Michael T. Thornton, P.E., General  
Manager  
San Elijo Joint Powers Authority  
2695 Manchester Avenue,  
P.O. Box 1077,  
Cardiff by the Sea, CA 92007-7077

Complaint No. R9-2008-0006  
for  
Administrative Civil Liability  
With  
Mandatory Minimum Penalties

**\$9,000**

WDID No. 9 000000125  
San Elijo Ocean Outfall, San Diego County,  
California

By signing below, I agree to waive San Elijo Joint Powers Authority's right to a public hearing before the California Regional Water Quality Control Board, San Diego Region regarding the violations alleged in the above referenced Complaint and to remit payment for the imposed civil liability. I understand that I am authorized to give up San Elijo Joint Powers Authority's right to be heard and to argue against the allegations made by the Assistant Executive Officer in the Complaint, and against the imposition of, or the amount of, the proposed civil liability. I have enclosed a cashier's check or money order made payable to the State Water Resources Control Board for the imposed civil liability.

\_\_\_\_\_  
Signature Title Date

\_\_\_\_\_  
Print your name

Send this signed form to:  
Michael P. McCann, Assistant Executive Officer  
C/O Compliance Assurance  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

## NOTICE OF WAIVER OF PUBLIC HEARING

**California Regional Water Quality Control Board, San Diego Region  
Issuance of Administrative Civil Liability (ACL) Order  
With Mandatory Minimum Penalties against  
San Elijo Joint Powers Authority  
San Elijo Ocean Outfall, San Diego County**

On May 16, 2008, the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued Complaint No. R9-2008-0006 to San Elijo Joint Powers Authority in the amount of \$9,000 for alleged violations of Regional Board Order No. R9-2005-0100, NPDES No. CA0107999, *Waste Discharge Requirements And NPDES Permit for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via San Elijo Ocean Outfall San Diego County, California*. San Elijo Joint Powers Authority has elected to waive its right to a public hearing in this matter. Waiver of the hearing constitutes admission of the validity of the allegation of violations in the Complaint and acceptance of the assessment of civil liability in the amount of \$9,000 as set forth in the Complaint. The Regional Board will consider accepting the waiver at its August 13, 2008 meeting.

Written comments regarding the allegations contained in Complaint No. R9-2008-0006, and/or acceptance of the waiver, will be accepted through Friday, July 25, 2008.

The Regional Board's August 13, 2008 meeting will be at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. Oral comments for this item may be made during the meeting upon receipt of a request to speak slip. For more information regarding this matter please call Jeremy Haas at (858) 467-2735 or visit the Regional Board's web site at [www.waterboards.ca.gov/sandiego/](http://www.waterboards.ca.gov/sandiego/)

Michael P. McCann  
Assistant Executive Officer

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Sent To: Mr. Michael T. Thornton  
 Street, Apt. No.:  
 or PO Box No.: 2695 Manchester Av. P.O. Box 1077  
 City, State, ZIP+4: Cardiff by the Sea, CA 92007-7077

PS Form 3800, August 2006 See Reverse for Instructions

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- Attach this card to the back of the mailpiece, or on the front if space permits.

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 Michael T. Thornton  
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 Cardiff by the Sea, CA 92007-7077

2. Article Number  
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 X  Agent  
 Addressee

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 If YES, enter delivery address below:  No

3. Service Type  
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 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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